

Stafford.	Yett.
Yantis.	
	Nays—9.
Gough.	Ross.
Hanger.	Terrell.
McGee.	Turney.
Miller.	Wayland.
Morriss.	

Absent.

Atlee.	Lewis.
Dibrell.	Odell.
Greer.	Potter.
Kerr.	Stone.

Absent—Excused.

Lloyd.	Sebastian.
Neal.	

EIGHTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas, Friday, May 19, 1899.
Senate met pursuant to adjournment.
Lieutenant-Governor Browning in the chair.
Roll called. Quorum present, the following Senators answering to their names:

Burns.	Miller.
Davidson.	Patterson.
Dibrell.	Ross.
Goss.	Stafford.
Greer.	Stone.
Grinnan.	Terrell.
Hanger.	Turney.
James.	Wayland.
Kerr.	Yantis.
Lloyd.	Yett.
McGee.	

Absent.

Atlee.	Linn.
Gough.	Morriss.
Johnson.	Odell.
Lewis.	Potter.

Absent—Excused.

Neal.	Sebastian.
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Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Miller, the same was dispensed with.

EXCUSED.

On motion of Senator Hanger, Senator Greer was excused for non-attendance on Tuesday, Wednesday and Thursday of this week on account of important business.

On motion of Senator Terrell, Senator Yantis was excused for non-attendance on account of important business.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, May 18, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Towns and City Corporations, to whom was referred Senate bill No. 360, being a bill to be entitled "An Act to amend Article 386c, Title XVIII, Chapter 1, of the Revised Civil Statutes of the State of Texas, 1895, relating to validating certain incorporations of cities and towns,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

Floor report—Miller, Stafford, Hanger, Ross and Dibrell.

MILLER, Chairman.

Committee Room,
Austin Texas, May 18, 1899.

To Hon. Jas. N. Browning, President of the Senate, and Hon. J. S. Sherrill, Speaker of the House of Representatives.

SIRS: We, your Free Conference Committee, to whom was referred the differences between the House and Senate on the matter of the House amendments to Senate bill No. 323, being a bill to be entitled "An Act to prohibit pools, trusts, monopolies and conspiracies to control business and prices of articles, to prevent the formation and operation of pools, trusts, monopolies and combinations of charters of corporations that violate the terms of this act, and to authorize the institution of prosecutions and suits therefor," have had the same under consideration, and respectfully report that we recommend as follows:

1st. That the Senate do concur in House amendment No. 1, which is the insertion in the bill of a new section to be called "Section 1a," defining a "monopoly," with an amendment thereto, adding at the end thereof the following words and language:

"And a monopoly as defined in this section is hereby declared to be unlawful and against public policy, and any and all persons, firms, corporations or association of persons engaged therein shall be deemed and adjudged guilty of a conspiracy to defraud, and shall be subject to the penalties prescribed in this act."

2nd. That the Senate do concur in House amendment No. 5, which is as follows:

"Amend lines 20 and 22, page 2 of the original bill, by striking out in both of said lines the word "bankrupting" and

insert in lieu thereof the words "or of financial injury."

3rd. That the Senate do concur in House amendment No. 6, which is an amendment adding between sections two and three of the original bill a new section, to be known as "Section 2a," and which extends the operation of Section 2 of the original bill so as to include offences in regard to articles of commerce and consumption, produced, manufactured or mined outside of the State.

4th. That the Senate do concur in House amendment No. 7, which is an amendment inserting after Section 3 of the original bill another new section to be known as "Section 3a," referring to the control, limiting, refusal, boycott or threatening for the purpose of destroying competition or limiting the sale of the various articles and commodities referred to in the bill, and that said new section be amended, by adding thereto, at the end thereof, the following words and language:

"And any person, firm, corporation or association of persons committing such violation shall be deemed subject to the penalties prescribed in this act."

5th. That Section 5, line 32, page 3 of the original bill be amended so as to insert after the word "years" and before the word "to" in said line 32, page 3, the following words: "and at such other times as he shall deem necessary."

6th. That House amendment No. 9 be amended, by substituting therefor the following, to-wit:

"Amend by inserting on page 5, line 18 of the original bill, after the word 'been,' the following words: 'since January 31st, 1900.'"

7th. Amend Section 6 of the original bill, by striking out in lines 14 to 19, on page 7, the following language: "As compensation for his services in this behalf the district or county attorney representing the State shall be entitled to his actual expenses incurred in the prosecution of such suits, to be paid by the defendant or defendants when judgment is rendered for the State, to be taxed as costs by the court hearing the cause"; and further amend said Section 6, as thus amended, by adding thereto, at the end thereof, House amendment No. 8, instead of adding said amendment at the end of Section 7, said amendment being as follows:

"Provided, the fees allowed the prosecuting attorney representing the State, provided for in this section, shall be over and above the fees allowed him by the general fee bill now in force."

And that the Senate do concur in said House amendment as thus amended.

8th. Amend Section 7 of the original bill by striking out all from the word "in" in line 21, page 7, to the word "manner" in line 28, page 7, inclusive; and further amend by striking out all from the word "and" in line 31, page 7, to the word "wages" in line 3, page 8, inclusive, which will leave Section 7 to read as follows:

"All actions authorized and brought under this act shall have precedence, on motion of the prosecuting attorney, or Attorney-General, of all other business, civil and criminal, except criminal cases where the defendants are in jail."

9th. Substitute for House amendment No. 4, which reads as follows:

"Strike out Section 9 and insert in lieu thereof the following: 'Section 9. The sale of any article or commodity manufactured or controlled by a trust or monopoly is hereby declared illegal and void, and against public policy and shall not be enforceable at law or in equity, and the consideration for such sale shall never be collectible; and when cash or any thing of value is paid as the consideration of said sale, such cash or thing of value is hereby declared paid in violation of law and may be recovered back;' the following:

"Section 9. The sale, delivery or disposition of any of the articles, commodities or things hereinbefore mentioned by any individual, company or corporation transacting business contrary to the provisions of this act, within this State or elsewhere, is hereby declared to be unlawful and contrary to public policy, and the purchaser of any article, commodity or thing from any such offending individual, company or corporation shall not be liable for the price or payment thereof, and may plead this act as a defense to any suit for price or payment, whether the purchase was made directly from the individual, company or corporation so unlawfully transacting business, or indirectly from one who acted for such individual, company or corporation as agent, representative, solicitor or canvasser; and provided further, that where any money or other thing of value is paid to such individual, company or corporation so unlawfully transacting business, its agent, representative, solicitor or canvasser, the person so paying the same may recover back the amount of the money or the value of the thing so paid."

10th. That the Senate do concur in House amendment No. 2, which is an amendment to Section 11 of the original

bill, making the act take effect from and after January 31st, A. D. 1900.

11th. Substitute for Section 11 of the original bill the following:

"Section 11. The provisions of the foregoing sections, and the pains and penalties provided for for violations of this act shall be held and be construed to be cumulative of all laws now in force in this State. And provided, that the provisions of this act shall not exempt from punishment or forfeiture any person, firm, association of persons or corporation, who may have violated or offended against any law now in existence that may be, or may be construed to be repealed by this act or in conflict herewith. And provided further, that nothing in this act shall be deemed or construed to effect any suits or prosecutions now pending, or hereafter to be instituted upon any cause of action, forfeiture or penalty accruing or to accrue prior to the date of the taking effect of this act; but all such rights to maintain, institute or prosecute all such causes of action are hereby reserved to the State, in the same manner and with the same effect as if this law had not been passed; provided further, that this act shall take effect from and after January 31, A. D. 1900."

12th. We further recommend, in order to avoid any conflict or confusion between existing laws and the proposed act on the subject of penalties and forfeitures after this act shall take effect, that Article 5318 of the Revised Civil Statutes be amended so as to conform the penalties prescribed by the present statute against trusts to those prescribed in this act, making said amendment take effect at the same date this act shall take effect; and for that purpose we herewith report a bill prepared by the committee amendatory of said Article 5318, and recommend that the same be enacted into a law, to wit, Senate bill No. 359.

13th. To enable both houses to understand the exact relation and effect of the foregoing changes and amendments in the original bill, we herewith report the original bill revised so as to include the several additions and amendments above reported, placing said amendments and the bill, and designating the same by their additions at their proper places in numerals in parenthesis to correspond with the above numbered paragraphs of this report, and recommend that said revised bill, as well as the new bill amending said Article 5318, be considered as a part of this report and be printed in the Journals herewith.

14th. We recommend that the several

sections of the bill be renumbered so as to avoid lettering the sections as above mentioned, and in the revised bill herewith reported we have re-numbered the sections consecutively to correspond with this recommendation.

We accordingly ask the adoption of this report by the House.

Respectfully submitted,
DAVIDSON,
ATLEE,
DIBRELL,
TURNER,
YANTIS,

On part of the Senate.

WOOTEN,
SMITH of Grayson,
SCHLUTER,
GARNER,
MURRAY,

On part of the House.

A bill to be entitled "An Act to prohibit pools, trusts, monopolies and conspiracies to control business and prices of articles, to prevent the formation or operation of pools, trusts, monopolies and combinations of charters of corporations that violates the terms of this act, and to authorize the institution of prosecutions and suits therefor."

Be it enacted by the Legislature of the State of Texas:

Section 1. Any corporation organized under the laws of this or any other State or country, and transacting or conducting any kind of business in this State, or any partnership, or individual, or other association of persons whatsoever, who shall create, enter into, become a member of, or a party to any pool, trust, agreement, combination, confederation or understanding with any other corporation, partnership, individual or any other person or association of persons, to regulate or fix the price of any article of manufacture, mechanism, merchandise, commodity, convenience, repair, any product of mining, or any article or thing whatsoever, or the price or premium to be paid for insuring property against loss or damage by fire, lightning or storm or to maintain said price when so regulated or fixed, or shall enter into, become a member of, or a party to any pool, agreement, combination, contract, association or confederation to fix or limit the amount or quantity of any article of manufacture, mechanism, merchandise, commodity, convenience, repair, any product of mining, or any article or thing whatsoever, or the price or premium to be paid for insuring property against loss or damage by fire, lightning, storm,

cyclone, tornado or any other kind of policy issued by any corporation, partnership, individual, or association of persons aforesaid, shall be deemed and adjudged guilty of a conspiracy to defraud, and to be subject to the penalties as provided by this act.

Sec. 2. A "monopoly" is any union or combination or consolidation or affiliation of capital, credit, property, assets, trade, custom, skill or acts, or of any other valuable thing or possession, by or between persons, firms or corporations, or associations of persons, firms or corporations, whereby any one of the purposes or objects mentioned in this act is accomplished or sought to be accomplished, or whereby any one or more of said purposes are promoted or attempted to be executed or carried out, or whereby the several results described herein are reasonably calculated to be produced; and a "monopoly," as thus defined and contemplated, includes not merely such combinations by and between two or more persons, firms or corporations acting for themselves, but is especially defined and intended to include all aggregations, amalgamations, affiliations, consolidations or incorporations of capital, skill, credit, assets, property, custom, trade or other valuable thing or possession, whether effected by the ordinary methods of partnership or by actual union under the legal form of a corporation or an incorporated body resulting from the union of one or more distinct firms or corporations, or by the purchase, acquisition or control of shares or certificates of stock or bonds, or other corporate property or franchises, and all corporations or partnerships that have been or may be created by the consolidation or amalgamation of the separate capital, stock, bonds, assets, credit, properties, custom, trade or corporate or firm belongings of two or more firms or corporations or companies are especially declared to constitute monopolies within the meaning of this act, if so created or entered into for any one or more of the purposes named in this act; (1) and a "monopoly," as defined in this section is hereby declared to be unlawful and against public policy, and any and all persons, firms, corporations or association of persons engaged therein shall be deemed and adjudged guilty of a conspiracy to defraud, and shall be subject to the penalties prescribed in this act.

Sec. 3. If any person, persons, company, partnership, association, or corporation, engaged in the manufacture of any article of commerce or consumption from the raw material produced or mined in this State, shall with the intent or pur-

pose of driving out competition, or for the purpose of (2) financially injuring competitors, sell at less than the cost of manufacture, or give away their manufactured products, for the purpose of driving out competition or (2) financially injuring competitors engaged in the manufacture and refining of raw material in this State, said person, persons, company, partnership, association or corporation resorting to this method of securing a monopoly in the manufacture, refining and sale of the finished product produced or mined in this State, shall be deemed guilty of a conspiracy to form or secure a trust or monopoly in restraint of trade and on conviction shall be subject to the penalties of this act.

(3) Sec. 4. If any person, persons, company, partnership, association, corporation or agent engaged in the manufacture or sale of any article of commerce or consumption produced, manufactured or mined in this State or elsewhere, shall with the intent or purpose of driving out competition or for the purpose of financially injuring competitors, sell within this State at less than cost of manufacture or production, or sell in such a way, or give away within this State their products for the purpose of driving out competition or financially injuring competitors engaged in similar business, said person, persons, company, partnership, association, corporation or agent resorting to this method of securing a monopoly within this State in such business, shall be deemed guilty of a conspiracy to form or secure a trust or monopoly in restraint of trade, and on conviction thereof shall be subject to the penalties of this act.

Sec. 5. Any person, partnership, firm or association, or any representative or agent thereof, or any corporation or company, or any officer, representative or agent thereof, violating any of the provisions of this act shall forfeit not less than two hundred dollars nor more than five thousand dollars for every such offense, and each day such person, corporation, partnership or association shall continue to do so shall be a separate offense, the penalties in such cases to be recovered by an action in the name of the State at the relation of the Attorney-General or the district or county attorney; the moneys thus collected to go into the State treasury, and to become a part of the general fund, except as hereinafter provided.

(4) Sec. 6. If any two or more persons or corporations who are engaged in buying or selling any article of commerce, manufacture, mechanism, merchandise, commodity, convenience, repair,

any product of mining or any article or thing whatsoever, shall enter into any pool, trust, agreement, combination, confederation, association or understanding to control or limit the trade in any such article or thing; or to limit competition in such trade by refusing to buy from or sell to any other person or corporation any such article or thing aforesaid, for the reason that such other person or corporation is not a member of or a party to such pool, trust, agreement, combination, confederation, association or understanding; or shall boycott or threaten any person or corporation for buying from or selling to any other person or corporation who it not a member of or a party to such pool, trust, agreement, combination, confederation, association or understanding any such article or thing aforesaid, it shall be a violation of this act; (4) *and any person, firm, corporation or association of persons committing such violation shall be deemed and adjudged guilty of a conspiracy to defraud, and shall be subject to the penalties prescribed in this act.*

Sec. 7. Any corporation created or organized by or under the laws of this State, which shall violate any of the provisions of the preceding sections of this act shall thereby forfeit its corporate rights and franchises; and its corporate existence shall, upon proper proof being made thereof in any court of competent jurisdiction in the State, be by the court declared forfeited, void and of non-effect, and shall thereupon cease and determine; and any corporation created or organized by or under the law of any other State or country, which shall violate any of the provisions of the preceding sections of this act, shall thereby forfeit its right and privilege thereafter to do any business in this State, and upon proper proof being made thereof in any court of competent jurisdiction in the State, its rights and privileges to do business in this State shall be declared forfeited; and in all proceedings to have such forfeiture declared, proof that any person who has been acting as agent of such foreign corporation in transacting its business in this State, has been, while acting as such agent, and in the name, behalf, or interest of such foreign corporation, violating any provisions of the preceding sections of this act, shall be received as prima facie proof of the act of the corporation itself; and it shall be the duty of the clerk of said court to certify the decree thereof to the Secretary of State, and if it be an insurance company, to the Commissioner of Insurance, Statistics and History of the State, who shall take notice and be governed thereby as to the

corporate powers and rights of said corporation.

Sec. 8. It shall be the duty of the Secretary of State on or about the first day of July of each year (5) *and at such other times as he shall deem necessary*, to address to the president, secretary or treasurer of each incorporated company doing business in this State, a letter of inquiry as to whether the said corporation has all or any part of its business or interest in or with any trust, combination or association of persons or stockholders, as named in the preceding provisions of this act, and to require an answer under oath, of the president, secretary or treasurer, or any director of said company; a form of affidavit shall be inclosed in said letter of inquiry, as follows:

AFFIDAVIT.

STATE OF TEXAS,

County of.....

I,, do solemnly swear that I am the (president, secretary, treasurer or director) of the corporation, known and styled, duly incorporated under the laws of, on the day of, 18.., and now transacting or conducting business in the State of Texas, and that I am duly authorized to represent said corporation in making this affidavit, and I do further solemnly swear that the said, known and styled as aforesaid, has not since the day of (naming the day upon which this act takes effect) created, entered into or become a member of, or a party to, and was not, on the day of, nor at any day since that date, and is not now, a member of, or a party to, any pool, trust, agreement, combination, confederation, or understanding, with any other corporation, partnership, individual, or any other person, or association of persons, to regulate or fix the price of any article of manufacture, mechanism, merchandise, commodity, convenience, repair, any product of mining, or any article or thing whatsoever, or the price or premium to be paid for insuring property against loss or damage by fire, lightning, storm, cyclone, tornado, or any other kind of policy issued by the parties aforesaid; and that it has not entered into or become a member of, or a party to, any pool, trust, agreement, contract, combination or confederation, to fix or limit the amount of supply or guaranty of any article of manufacture, mechanism, merchandise, commodity, convenience, repair, or any product of mining or any article or thing whatsoever, or the price or pre-

mium to be paid for insuring property against loss or damage by fire, lightning, storm, cyclone, tornado, or any other kind of policy issued by the parties aforesaid; and that it has not issued, and does not own any trust certificates, and for any corporation, agent, officer or employe, or for the directors or stockholders of any corporation, has not entered into, and is not now with any combination, contract or agreement with any person or persons, corporation or corporations, or with any stockholders, or directors thereof, the purpose and effect of which said combination, contract, or agreement would be to place the management or control of such combination or combinations, or the manufactured product thereof, in the hands of any trustee or trustees, with the intent to limit or fix the price, or lessen the production and sale of any article of commerce, use or consumption, or to prevent, restrict, or diminish the manufacture or output of any such article; that it has not entered into any conspiracy, defined in the preceding sections of this act, to form or secure a trust or monopoly in restraint of trade; that it has not been (6) since January 31, A. D. 1900, and is not now a monopoly by reason of any conduct on its part which would constitute it a monopoly under the provisions of Sections 2, 3, 4, 5, 6, 10 and 11 of this act, and is not the owner or lessee of a patent to any machinery, intended, used or designed for manufacturing any raw material or preparing the same for market by any wrapping, baling or other process, and while leasing, renting or operating the same, refuses or fails to put the same on the market for sale; that it has not issued, and does not own any trust certificates, and has not, for any corporation or any agent, officer or employe thereof, or for the directors or stockholders thereof, entered into, and is not now in any combination, contract or agreement with any person or persons, corporation or corporations, or with the stockholders, directors or any officer, agent or employe of any corporation or corporations, the purpose and effect of which combination, contract or agreement would be a conspiracy to defraud, as defined in Section 1 of this act, or to create a monopoly, as defined in Sections 2, 3, 4, 5, 6, 10 and 11 of this act.

.....
(President, Secretary, Treasurer, or Director.)

I Subscribed and sworn to before me, a
..... within and for
the county of this
day of, 18...

(Seal.)

And on refusal to make oath, in answer to said inquiry, or on failure to do so within thirty days from the mailing thereof, such failure shall be prima facie proof that such incorporated company is transacting business in the State of Texas, and has violated the provisions of this act, every day after the expiration of thirty days from the mailing of said letter of inquiry, the Secretary of State shall certify to the prosecuting attorney of the district or county wherein said corporation is located, and it shall be the duty of such prosecuting attorney, at his earliest practicable moment, in the name of the State, and at the relation of said prosecuting attorney, to proceed against such corporation, if a domestic corporation, for the recovery of the money forfeit provided for in this act, and also for the forfeiture of its charter or certificate of incorporation. If a foreign corporation, to proceed against such corporation for the recovery of the money forfeit provided for in this act, and to forfeit its right to do business in this State; and provided, that whatever money, bonds, or other securities may be on deposit in this State shall remain subject to the decision of said court to secure whatever penalties or costs may be adjudged against said corporation or individual. It is provided, however, that all parties making the affidavit provided for in this section, shall be exempt from criminal prosecution for any violation of law that may be disclosed by such affidavit. It is further provided, that the Secretary of State shall, from time to time, when he may have reason to believe that individuals or partnerships are doing business in this State in violation of this act, address the letter of inquiry herein provided for to such individuals or partnerships and require of them the same answers under oath prescribed in this section for the officers of corporations, the affidavit to which must be made by the individual addressed or some member of the partnership addressed; the form of affidavit herein prescribed, with such changes as may be necessary to make it applicable to individuals and partnerships shall be inclosed in said letter of inquiry.

Sec. 9. It shall be the duty of the Attorney-General and the prosecuting attorney of each district or county respectively, to enforce the provisions of this act. The Attorney-General and the prosecuting attorney shall institute and conduct all suits begun in the district courts and upon appeal the Attorney-General shall prosecute said suits in the Courts of Civil Appeals and Supreme Court. The prosecuting attorney shall receive for his

compensation one-fourth of the penalty collected; (7) provided, the fees allowed the prosecuting attorney representing the State, provided for in this section, shall be over and above the fees allowed him by the general fee bill now in force.

Sec. 10. (8) * * * * *

All actions authorized and brought under this act shall have precedence on motion of the prosecuting attorney or Attorney-General, of all other business, civil and criminal, except criminal cases where the defendants are in jail. (8)

* * * * * (8).

Sec. 11. Each corporation, co-partnership, firm or individual who may be the owner or lessee of a patent to any machinery, intended, used or designed for manufacturing any raw materials or preparing the same for market by any wrapping, bailing or other process, who shall lease, rent or operate the same in their own name and refuse or fail to put the same on the market for sale, shall be adjudged a monopoly, and be subject to all the pains and penalties provided in this act.

Sec. 12. (9) *The sale, delivery or disposition of any of the articles, commodities or things hereinbefore mentioned by any individual, company or corporation transacting business contrary to the provisions of this act, within this State or elsewhere, is hereby declared to be unlawful and contrary to public policy, and the purchaser of any article or commodity from any such offending individual, company or corporation shall not be liable for the price or payment thereof, and may plead this act as a defense to any suit for the price or payment, whether the purchase was made directly from the individual, company or corporation so unlawfully transacting business, or indirectly from one who acted for such individual company or corporation as agent, representative, solicitor or canvasser; and provided further, that where any money or other thing of value is paid to such individual, company or corporation so unlawfully transacting business, its agent, representative, solicitor or canvasser, the person so paying the same may recover back the amount of the money or the value of the thing so paid.*

Sec. 13. The following corporations, co-partnerships, firms or individuals are also adjudged a monopoly and subject to all the pains and penalties provided in this act:

Every corporation, co-partnership, firm or individual which may gather items of news or press dispatches for sale to newspapers and which shall refuse to sell said items of news or press dis-

patches to more than one newspaper to a stated number of inhabitants in any city, town or subdivision of the State of Texas or within a certain radius of territory.

Every association of newspapers formed for the purpose of exchanging items of news and press dispatches which may require of its members under pain of forfeiting their membership, that they do not sell to or exchange with newspapers not members of said association any items of news or press dispatches.

Section 14. (11) *The provisions of the foregoing sections, and the pains and penalties provided for for violations of this act shall be held and construed to be cumulative to all laws now in force in this State. And provided, that the provisions of this act shall not exempt from punishment or forfeiture any person, firm, association of persons or corporation, who may have violated or offended against any law now in existence that may be, or may be construed to be repealed by this act or in conflict herewith. And provided further, that nothing in this act shall be deemed or construed to affect any suits or prosecutions now pending or hereafter to be instituted upon any cause of action, forfeiture or penalty accruing or to accrue prior to the date of the taking effect of this act; but all such rights to maintain, institute or prosecute all such causes of action are hereby reserved to the State, in the same manner and with the same effect as if this law had not been passed. Provided further, that this act shall take effect from and after January 31, A. D. 1900.*

Sec. 15. The near approach of the end of the session, and the fact that we now have no adequate anti-trust law upon the statutes and the importance of such legislation, create an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

SPECIAL COMMITTEE REPORT.

Committee Room,
Austin, Texas, May 18, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: We, your committee appointed under resolution of May 17, 1899, to recommend such officers and employes as should be retained after adjournment, and to specify their duties, number of days pay, etc., beg leave to report as follows:

First. We recommend that the Secretary, J. P. Pool, the Journal Clerk, W. B. O'Quinn, and the Assistant Journal Clerk, Thomas H. Napier, each be re-

tained for thirty-five days after adjournment, and that they be instructed to prepare and deliver to the public printer the Journal of this Senate, together with a complete and comprehensive index to same, and to deliver to the Secretary of State all documents, bills, etc., and Journals by law required to be delivered to him by the Secretary of the Senate, and to tabulate and have printed as an appendix to the Journals, a correct and complete list of notaries public as confirmed by the Senate.

Second. That the Postmistress, Mrs. Pauline Evans, be retained for six days after adjournment, to receive and forward to the Senators and officers of the Senate, any mail that may come after adjournment.

Third. That each of the above and hereinafter named officers be paid the sum of \$5.00 per day for the time retained, and that this be paid out of the per diem appropriation for the Twenty-sixth Legislature.

Fourth. We recommend that the Sergeant-at-Arms, C. H. Allen, be instructed to immediately prepare a complete and itemized duplicate inventory of all property of the Senate, including all furniture and property in the Lieutenant-Governor's room, with marks of identification entered on the invoice, such inventory to show the condition and probable value of such property, and that the President of the Senate appoint two of the general committee clerks of this Senate to assist the Sergeant-at-Arms in preparation of such inventory and that each copy of each inventory be approved by the President of the Senate, and delivered by the Sergeant-at-Arms to the Superintendent of Public Buildings and Grounds, and one copy to the Secretary of State upon the adjournment of this Legislature; and that the Sergeant-at-Arms be allowed two days after adjournment to deliver said property to the Superintendent of Public Buildings and Grounds, taking his receipt for same, which shall be delivered to the Secretary of State, and filed and kept by him, and said receipt shall be delivered by the Secretary of State to the Sergeant-at-Arms of the Senate, at the next Special or Regular Session of the Legislature, as soon as said Sergeant-at-Arms has been elected and qualified.

Fifth. We recommend that the Calendar Clerk, Engrossing Clerk, and Enrolling Clerk each be required to deliver to the Secretary of the Senate all books and documents belonging to the Senate in their possession upon the adjournment of the Legislature, and that the Engrossing and Enrolling Clerk each be allowed two

days in which to complete their duties as such.

DAVIDSON,
McGEE,
MORRISS.

The report was read, and Senator Davidson moved its adoption.

Adopted.

Senator McGee moved to reconsider the vote by which the report was adopted, and to lay that motion on the table.

Tabled.

BILLS AND RESOLUTIONS.

By Senator Morriss:

Senate bill No. 361, A bill to be entitled "An Act to define legal tender money in this State, and making the values of foreign coins as legal tender in Texas correspond to the value of such coins as fixed by the Congress of the United States."

Read first time, and referred to Committee on State Affairs.

By Senator McGee:

Resolved, 1, That 250 volumes of the Senate Journals of the Twenty-sixth Legislature, when completed and printed, be bound in full law sheep, and that one volume thus bound be transmitted by the Secretary of the Senate to each member of the House of Representatives and each Senator and officer of the Senate.

2. That the Secretary of the Senate be authorized to contract for the binding of the Journals as herein provided for, at a cost not to exceed \$1.00 per volume.

Adopted.

By Senator Davidson:

Whereas, the Hon. James F. Wilson, United States Secretary of Agriculture, is in the city: therefore, be it

Resolved, That he be invited to and extended the privileges of the floor of the Senate of the State of Texas as its guest, and that a recess be taken for ten minutes to allow members and officers of the Senate the opportunity to make his personal acquaintance.

Adopted, and the Senate accordingly took a ten-minute recess to meet the Hon. Mr. Wilson.

AFTER RECESS.

Call concluded.

HOUSE MESSAGES.

The following messages were received from the House:

Hall of the House of Representatives,
Austin, Texas, May 19, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform

the Senate of the passage of the following bill:

Senate bill No. 330, A bill to be entitled "An Act to grant leave to G. W. Burkitt, of Anderson county, Texas, to bring suit against the State to redeem from forfeiture and resale Section No. 58, block H, Waco & Northwestern Railroad Company survey of land, abstract No. 852, in Hardeman county, Texas," with amendment.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 19, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

House bill No. 824, A bill to be entitled "An Act to amend Article 4785a, Chapter 6, Title XCVII, of the Revised Civil Statutes of the State of Texas," with amendment.

Also Senate bill No. 81, A bill to be entitled "An Act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies, and to legalize dissection by authorized persons," with amendment.

Also Senate bill No. 344, A bill to be entitled "An Act to authorize the issuance of patents to lands, which under the ruling of the land office and the decisions of the courts, belong to the public school fund of the State, and which may have been applied for and purchased as public domain under the provisions of Title LXXXVII, Chapter 11, of the Revised Civil Statutes of the State of Texas of 1895, prior to May 23, 1898; and to provide for the disposition of the proceeds, and to declare an emergency," with amendments.

Also Senate bill No. 278, A bill to be entitled "An Act for the better preservation of all of the personal property belonging to the State of Texas, or in which it has an interest; or of any of the departments, or of any of the institutions, asylums, penitentiaries, farms or personal property of whatsoever description or wherever situated, belonging to this State, or in which it has an interest; and to provide for the making of lists and inventories of all said property and the copying of the same and the registration thereof; and to prescribe the duties of officers and persons having said property

under their control, and to fix the liability of such officers and persons; and to provide a penalty for the failure to comply with this act, and to fix the venue for suits and prosecutions for a violation of any of its provisions."

Also Senate bill No. 348, A bill to be entitled "An Act to amend Articles 2509, 2510, 2514, 2516, 2517, 2518c, 2518h, 2518k, 2518l, 2518m, 2518n, of Chapter 4, Title XLVIII, of the Revised Code of the State of Texas of 1895, and adding thereto Articles 2518q, 2518r, 2518s, 2518t, to said Chapter 4, Title XLVIII, of the Revised Civil Code of the State of Texas, of 1895, relating to fish, oysters, etc., and repealing all laws in conflict herewith," with amendments.

Also the House has concurred in Senate amendment to House amendment to Senate bill No. 92.

Also the House grants the request of the Senate for a Free Conference Committee on Senate bill No. 187, and appoints the following committee on the part of the House: Messrs. Sutherland, Schluter, Allen of Hopkins, Palmer and Lillard.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

IN SENATE.

The above reported House bill No. 824, was read first time, and referred to the Committee on Roads, Bridges and Ferries.

CALLED UP FOR CONCURRENCE.

Senator Hanger called up

Senate bill No. 344, A bill to be entitled "An Act to authorize the issuance of patents to lands, which under the ruling of the Land Office and the decisions of the courts belong to the public school fund of the State, and which may have been applied for and purchased as public domain under the provisions of Title LXXXVII, Chapter 11, of the Revised Civil Statutes of the State of Texas of 1895, prior to May 23rd, 1898; and to provide for the disposition of the proceeds, and to declare an emergency," which had passed the House with amendments, and moved that the Senate concur in said amendments.

Concurred.

The Chair announced the appointment of Committee Clerks Morriss and McDermot, to report to the Sergeant-at-Arms of the Senate for duty in accordance with the special committee report (by Senator Davidson) made and adopted this morning.

BILLS SIGNED.

The Chair gave notice of signing, and did sign, after their captions had been read,

Senate bill No. 298, "An Act providing for the correction and division of unpatented alternate surveys between the individual owner and State school land in conflict with older valid surveys, and to protect the purchasers of State school land in conflict therewith."

Senate bill No. 183, "An Act to amend Articles 3972, 3973, 3973a, 3973b, 3973c, 3973d, 3974 (1) and (2), 3974a, 3974b, 3974c, 3974d, 3976, 3976a, 3976b, 3976c, 3980 and 3980a, Chapter 13, Title LXXXVI, Revised Civil Statutes, 1895, relating to boards of examiners and teachers."

SPECIAL ORDER.

The Chair laid before the Senate, special order,

Senate bill No. 107, A bill to be entitled "An Act to amend 'An Act to protect accountants, bookkeepers, artisans, craftsmen, factory operatives, mill operatives, servants, mechanics, quarrymen, common laborers and farm hands; to provide a lien, and to provide the time of payments and in lawful money of the United States; and prescribe the rights of the assignees of such persons, and to repeal all laws in conflict with this act,' adopted at the Regular Session of the Twenty-fifth Legislature of 1897, so as to hereafter read as follows."

Pending action, on motion of Senator Goss, the pending business was suspended to take up, on second reading,

House bill No. 145, A bill to be entitled "An Act to provide for the destruction of prairie dogs, and fix a penalty against persons who fail or refuse to exterminate the prairie dogs on the lands owned or leased by them," action being on the pending amendments by Senators Goss and Davidson (see Journal of April 27.)

Action was first had on Senator Goss' amendment, and the same *was lost*.

The amendment by Senator Davidson (striking out the enacting clause) was adopted by the following vote:

Yeas—15.

Davidson.	Patterson.
Dibrell.	Ross.
Greer.	Stafford.
Kerr.	Stone.
Linn.	Wayland.
Lloyd.	Yantis.
McGee.	Yett.
Morriss.	

64—Senate

Nays—8.

Burns.	James.
Goss.	Miller.
Grinnan.	Terrell.
Hanger.	Turney.

Absent.

Atlee.	Lewis.
Gough.	Odell.
Johnson.	Potter.

Absent—Excused.

Neal.	Sebastian.
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Action recurring to pending business (special order, Senate bill No. 107), on motion of Senator Linn, same was suspended to take up, on second reading,

Senate bill No. 358, A bill to be entitled "An Act to amend Article 4953, Chapter 3, Title CII, of the Revised Civil Statutes of Texas, relating to the sale, slaughter and shipment of animals."

The bill was read a second time, and ordered engrossed.

On motion of Senator Linn, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Burns.	Lloyd.
Davidson.	Miller.
Dibrell.	Morriss.
Goss.	Ross.
Gough.	Stafford.
Greer.	Stone.
Grinnan.	Terrell.
Hanger.	Wayland.
James.	Yantis.
Kerr.	Yett.
Linn.	

Present—Not voting.

McGee.

Absent.

Atlee.	Patterson.
Johnson.	Potter.
Lewis.	Turney.
Odell.	

Absent—Excused.

Neal.	Sebastian.
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The bill was read a third time, and passed by the following vote:

Yeas—22.

Burns.	Kerr.
Davidson.	Linn.
Dibrell.	Lloyd.
Goss.	McGee.
Gough.	Miller.
Greer.	Morriss.
Grinnan.	Ross.
Hanger.	Stafford.
James.	Stone.

Terrell.
Wayland.

Yantis.
Yett.

Absent.

Atlee.
Johnson.
Lewis.
Odell.

Patterson.
Potter.
Turney.

Absent—Excused.

Neal.

Sebastian.

Senator Linn moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

EXCUSED.

On motion of Senator Hanger, the Free Conference Committee on part of the Senate on Substitute House bill No. 111 (general appropriation bill), was excused from attendance on the morning session.

EXECUTIVE MESSAGE.

The following message from the Governor was received:

To the Honorable, the Senate.

The advice and consent of the Senate is asked to the following additional notarial appointments:

BOWIE COUNTY.

Dalby Springs—U. U. Shaw.

BRAZOS COUNTY.

College Station—W. P. Philpott.

CLAY COUNTY.

Charlie—W. T. Allen.

CORYELL COUNTY.

Gatesville—W. F. Routh.

DONLEY COUNTY.

Clarendon—H. B. White.

ELLIS COUNTY.

Boyce Postoffice—W. A. Boyce.

FORT BEND COUNTY.

Missouri City—E. R. Saylor.

GALVESTON COUNTY.

Galveston—Charles S. Teek, W. B. Wallace, W. B. Wallis.

HAMILTON COUNTY.

Hico—J. A. Muse.

HENDERSON COUNTY.

Athens—R. T. McFarland.

LAMPASAS COUNTY.

Lampasas—Howard F. Lewis.

POTTER COUNTY.

Amarillo—W. Boyce.

TARRANT COUNTY.

Jelliah—R. J. Dwigins.

WALLER COUNTY.

Prairie View—J. W. Pennington.

WALKER COUNTY.

Huntsville—J. L. Pritchett.

YOUNG COUNTY.

True—T. L. Richardson.

COMMITTEE REPORT CALLED UP.

Senator Miller called up the Free Conference Committee on Senate bill No. 323 (anti-trust bill, see above), action being on adoption.

Senator Goss made the point of order against present consideration that the bill was not in the Senate, and hence the report could not be brought before the Senate.

Sustained.

On motion of Senator Morriss, the pending business (special order, Senate bill No. 107) was suspended to take up, on third reading.

House bill No. 784, A bill to be entitled "An Act to provide a more efficient system for working the public roads of Bowie county, regulating the fees of officers where the convicts serve their time by labor on such public roads, and to repeal all laws in conflict herewith."

The bill was read a third time, and passed.

Senator Morriss moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

On motion of Senator Goss, pending business was suspended to take up, on second reading.

House bill No. 829, A bill to be entitled "An Act to diminish the jurisdiction of the County Court of Carson county, and to conform the jurisdiction of the district court of said county to said change."

The bill was read a second time, and passed to a third reading.

CALLED UP FOR CONCURRENCE.

Senator Lloyd called up

Senate bill No. 330, A bill to be entitled "An Act to grant leave to G. W. Burkitt of Anderson county, Texas, to bring suit against the State to redeem from for-

feiture and re-sale Section No. 58, Block 'H,' W. & N. W. R. R. Co. survey of land, Abstract No. 852, in Hardeman county, Texas," which had passed the House with amendments, and moved that the Senate concur in said amendments.

Concurred.

On motion of Senator Yantis, pending business (Senate bill No. 107) was postponed to take up, on second reading.

Senate bill No. 359, A bill to be entitled "An Act to amend Article 5318, Title CVIII, of the Revised Civil Statutes of the State of Texas, prescribing penalties against trusts and conspiracies against trade."

The bill was read a second time, and ordered engrossed.

On motion of Senator Miller, pending business was suspended to take up, on second reading.

Senate bill No. 360, A bill to be entitled "An Act to amend Article 386c, Title XVIII, Chapter 1, of the Revised Civil Statutes of the State of Texas, 1895, relating to validating certain incorporations of cities and towns."

The bill was read a second time; and ordered engrossed.

On motion of Senator Davidson, pending business was suspended to take up, on second reading.

House bill No. 790, A bill to be entitled "An Act to render more effective and efficient the present road law of the State of Texas in its application and operation in the county of Calhoun, and to authorize and empower the said county to issue bonds for the construction and maintenance of public roads and highways within the said county."

The bill was read a second time.

By Senator Davidson:

"Amend caption of the bill, page 1, line 16, by inserting after the word 'Calhoun' the words 'and Victoria.'"

Adopted.

By Senator Davidson:

"Amend caption of the bill by striking out the word 'county' wherever it occurs in the caption, and inserting in lieu thereof the word 'counties.'"

Adopted.

By Senator Davidson:

"Amend Section 2, page 1, line 23, by inserting between the words 'county' and 'shall' the words 'of Calhoun and Victoria.'"

Adopted.

By Senator Davidson:

"Amend page 1, line 21, by inserting between the words 'Calhoun' and 'county' the words 'and Victoria.'"

Adopted.

By Senator Davidson:

"Amend by striking out the word 'county' wherever it may occur, and inserting in lieu thereof the word 'counties.'"

Adopted.

The bill as amended was passed to a third reading.

On motion of Senator Greer, pending business was suspended to take up, on second reading.

House bill No. 817, A bill to be entitled "An Act to amend an act known as House bill No. 444, enacted by the Twenty-sixth Legislature, creating a more efficient system of public roads and bridges for Liberty county, providing for the issuance of bonds by said county for the purpose of constructing permanent public roads; to authorize the investment of the permanent school funds of the State and of said county in such bonds; to prescribe and define the powers and duties of the commissioners court in reference thereto, and to validate public roads heretofore laid out and established in said county."

The bill was read a second time, and passed to a third reading.

On motion of Senator Hanger, pending business was suspended to take up, on second reading.

House bill No. 832, A bill to be entitled "An Act to amend Article 3433, of the Revised Statutes of the State of Texas, of 1895, relating to the organization of militia."

The bill was read a second time, and passed to a third reading.

(Senator McGee in the chair.)

Action recurred to pending business. Senate bill No. 107, A bill to be entitled "An Act to amend an Act to protect accountants, bookkeepers, artisans, craftsmen, factory operatives, mill operatives, servants, mechanics, quarrymen, common laborers and farm hands; to provide a lien, and provide the time of payments and in lawful money of the United States; and prescribe the rights of the assignees of such persons, and to repeal all laws in conflict with this act, adopted at the Regular Session of the Twenty-fifth Legislature of 1897," so as to hereafter read as follows."

The bill was read a second time, with an adverse majority and favorable minority committee reports.

Senator Burns moved to adopt the majority report.

Senator Hanger moved as a substitute that the bill lie on the table subject to call.

Carried.

On motion of Senator Davidson, the Senate took a recess until 3 p. m.

AFTER RECESS.

COMMITTEE REPORTS.

The following committee reports were made:

Committee Room,
Austin, Texas, May 19, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 358, being a bill to be entitled "An Act to amend Article 4953, Chapter 3, Title CII, of the Revised Statutes of Texas, relating to the sale, slaughter and shipment of animals,"

And find the same correctly engrossed.

DAVIDSON, Acting Chairman.

Committee Room,
Austin, Texas, May 19, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 359, being a bill to be entitled "An Act to amend Article 5318, Title CVIII, of the Revised Civil Statutes of the State of Texas, prescribing penalties against trusts and conspiracies against trade,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,
Austin, Texas, May 19, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 360, being a bill to be entitled "An Act to amend Article 386c, Title XVIII, Chapter 1, Revised Civil Statutes of the State of Texas, 1895, relating to validating certain incorporations of cities and towns,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,
Austin, Texas, May 19, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 350, being a bill to be entitled "An Act to provide for the purchase of one hundred acres of land known as the Magnus T. Habermehl homestead

in the Arthur McCormick league, in order that the State of Texas may own and preserve the San Jacinto battle grounds,"

And find the same correctly enrolled, and have this day, at 9 a. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin, Texas, May 19, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 297, being a bill to be entitled "An Act to amend Article 496, Chapter 2, Title XIII, of the Penal Code of the State of Texas, relating to irrigating canals, wells, reservoirs, etc., and the protection thereof,"

And find the same correctly enrolled, and have this day, at 9 a. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin, Texas, May 19, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 95, being a bill to be entitled "An Act to provide for perfecting appeal in criminal cases from convictions had in justice courts, or other inferior courts, to the county court,"

And find the same correctly enrolled, and have this day, at 9 a. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin, Texas, May 19, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 76, being a bill to be entitled "An Act to prevent the sale of cigarettes and tobacco to persons under the age of sixteen years, and to prescribe a penalty for violating the same,"

And find the same correctly enrolled, and have this day, at 9 a. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin, Texas, May 19, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 183, being a bill to be entitled "An Act to amend Articles 3972, 3973, 3973c, 3974 (1) and (2), 3974c, 3976c and 3980, relating to boards of examiners and teachers,"

And find the same correctly enrolled, and have this day, at 12 m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,
Austin, Texas, May 19, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Substitute Senate bill No. 298, being a bill to be entitled "An Act providing for the correction and division of unpatented alternate surveys between the individual owner and State school land in conflict with older valid surveys, and to protect the purchasers of school land in conflict therewith, and for patenting the same,"

And find the same correctly enrolled, and have this day, at 12 m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

HOUSE MESSAGES.

The following House messages were received:

Hall of the House of Representatives,
Austin, Texas, May 19, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

House bill No. 820, A bill to be entitled "An Act to prevent and punish celebration of marriages without license."

Also House bill No. 443, A bill to be entitled "An Act to provide for the payment of the bonds of the State of Texas that mature April 21, 1899, and to appropriate \$2,630 for that purpose, and to provide a sinking fund for the payment of the bonds of the State of Texas, held by private individuals that mature March 4, 1904, and April 21, 1909, and provide for the appropriation of \$50,000

August 31, 1899, and \$50,000 August 31, 1900, and provide for the investment of a sinking fund, and constitute a board for that purpose."

Also House bill No. 277, A bill to be entitled "An Act to provide for the assessment and collection of taxes on incomes, and to prescribe penalties for false swearing in relation thereto, and for refusing to make renditions thereof," with amendment.

Also Senate Concurrent Resolution No. 4, relative to amending the Constitution of the United States.

Respectfully,

MARK LOGAN,

Acting Chief Clerk House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 19, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

Senate bill No. 290, A bill to be entitled "An Act to amend Article 4968 (4584), Title CII, Chapter 4, of the Revised Statutes of 1895, relating to estrays," with amendments.

Also House bill No. 483, A bill to be entitled "An Act to amend Article 3938, Chapter 10, Title LXXXVI, of the Revised Civil Statutes of the State of Texas of 1895, relating to school districts."

Respectfully,

MARK LOGAN,

Acting Chief Clerk House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 19, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

House bill No. 584, A bill to be entitled "An Act to amend Section 18, Chapter 77, of the Acts of the Twenty-fifth Legislature of the State of Texas of 1895, relating to the construction and maintenance of drains, ditches and water courses, and for the improvement and enlargement of natural drainage, etc."

Also House bill No. 572, A bill to be entitled "An Act to amend Article 143, Chapter 2, Revised Statutes of the State of Texas, relative to the payment for construction or improvement of State asylums."

Also House bill No. 647, A bill to be entitled "An Act to amend Article 873 (983), Title XXV, of the Revised Civil

Statutes of the State of Texas, so as to hereafter read as follows."

Respectfully,

MARK LOGAN,
Acting Chief Clerk House of Representatives.

IN SENATE.

The above reported House bills were read first time, and referred as follows:
House bill No. 820 to Judiciary Committee No. 1.

House bill No. 443 to the Committee on Finance.

House bill No. 277 to the Committee on Finance.

House bill No. 483 to the Committee on Education.

House bill No. 584 to the Committee on Mining and Irrigation.

House bill No. 572 to Judiciary Committee No. 1.

House bill No. 647 to Judiciary Committee No. 1.

REGULAR ORDER.

The Chair laid before the Senate, House Concurrent Resolution No. 35, To empower the Superintendent of Public Buildings and Grounds to cancel and annul the contract now in force between the City of Austin and the Dam and Suburban Railway Company.

The resolution was read, and adopted.

BILLS SIGNED.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

Senate bill No. 344, "An Act to authorize the issuance of patents to lands, which under the ruling of the Land Office and the decisions of the courts, belong to the public school fund of the State, and which may have been applied for and purchased as public domain under the provisions of Title LXXXVII, Chapter 11, of the Revised Civil Statutes of the State of Texas of 1895, prior to May 23 1898; and to provide for the disposition of the proceeds, and to declare an emergency."

House bill No. 447, "An Act to amend an act of the Twenty-fifth Legislature, approved March 20, 1897, entitled 'An Act to amend Article 867, Chapter 1, Title XXV, of the Revised Civil Statutes, relating to county finances.'"

CALLED UP FOR CONCURRENCE.

Senator Davidson called up the Free Conference Committee report on Senate bill No. 323 (anti-trust bill—see above), and moved its adoption.

No quorum, the following Senators voting:

Yeas—14.

Atlee.	Lloyd.
Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Terrell.
Grinnan.	Turney.
James.	Wayland.
Kerr.	Yett.

Nays—6.

Goss.	Linn.
Greer.	Patterson.
Hanger.	Ross.

Absent—

Gough.	Potter.
Johnson.	Stafford.
Lewis.	Stone.
McGee.	Yantis.
Odell.	

Absent—Excused.

Neal.	Sebastian.
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Senator Davidson moved a call of the Senate, which was ordered, the following Senators answering to their names:

Atlee.	Linn.
Burns.	Lloyd.
Davidson.	Miller.
Dibrell.	Morriss.
Goss.	Patterson.
Greer.	Ross.
Grinnan.	Terrell.
Hanger.	Turney.
James.	Wayland.
Kerr.	Yett.

Absent.

Gough.	Potter.
Johnson.	Stafford.
Lewis.	Stone.
McGee.	Yantis.
Odell.	

Absent—Excused.

Neal.	Sebastian.
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No quorum.

Senator Hanger moved to adjourn until tomorrow 10 a. m.

Senator Kerr moved to adjourn until Monday 10 a. m.

Adjourned until Monday 10 a. m. by the following vote:

Yeas—11.

Atlee.	James.
Burns.	Kerr.
Dibrell.	Linn.
Goss.	Patterson.
Greer.	Turney.
Hanger.	

Nays—9.

Davidson.	Ross.
Grinnan.	Terrell.
Lloyd.	Wayland.
Miller.	Yett.
Morriss.	

Absent.

Gough.	Potter.
Johnson.	Stafford.
Lewis.	Stone.
McGee.	Yantis.
Odell.	

Absent—Excused.

Neal.	Sebastian.
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EIGHTY-NINTH DAY.

Senate Chamber,

Austin, Texas, Monday, May 22, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Lewis.
Burns.	Lloyd.
Davidson.	McGee.
Dibrell.	Miller.
Gough.	Morriss.
Greer.	Patterson.
Grinnan.	Stafford.
Hanger.	Terrell.
James.	Turney.
Johnson.	Wayland.
Kerr.	

Absent.

Goss.	Ross.
Linn.	Stone.
Neal.	Yantis.
Odell.	Yett.
Potter.	

Absent—Excused.

Sebastian.

Prayer by the Chaplain, Rev. Dr. Denson.

Pending the reading of the Journal of last Friday,

On motion of Senator Stafford, the same was dispensed with.

EXCUSED.

On motion of Senator Gough, Senator Atlee was excused for non-attendance on Thursday and Friday of last week on account of important business.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, May 16, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 357, being a bill to be entitled "An Act to amend Article 3433, of the Revised Statutes of the State of Texas of 1895, relating to the organization of militia,"

And find the same correctly engrossed.
JAMES, Chairman.

Committee Room,

Austin, Texas, May 16, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 21, being a bill to be entitled "An Act to prohibit attorneys at law from becoming sureties on bail bonds and recognizances, and providing a penalty for the violation of the provisions of this act,"

And find the same correctly engrossed.
JAMES, Chairman.

Committee Room,

Austin, Texas, May 16, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 104, being a bill to be entitled "An Act to authorize the Superintendent of Public Buildings and Grounds to construct a postoffice in the capitol for the use of the Legislature, and making appropriation therefor,"

And find the same correctly engrossed.
JAMES, Chairman.

Committee Room,

Austin, Texas, May 19, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Public Roads, Bridges and Ferries, to whom was referred

House bill No. 824, being a bill to be entitled "An Act to amend Article 4785a, Chapter 6, Title XCVII, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Acting Chairman.

Committee Room,

Austin, Texas, May 22, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Towns and City Corporations, to whom was referred